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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/977,996 | 10/17/2001 | Hidetaka Anma | Q66764 | 4505 |

7590

05/08/2003

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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,996

Applicant(s)

ANMA ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on January 2, 2003 and supplemental amendment filed January 10, 2003, have been entered. Claim 5 has been amended. No claim has been cancelled. Claim 10 has been added. Claims 1-10 are still pending in this application, with claim 1 being independent.
2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 2, 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is indefinite as it is not clear with respect to what frame of reference is the front-end portion of the extension reflector disposed opposite to the front lens (lines 4 and 5).

Claims 6 and 7 are rejected for their dependency on rejected claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Temme et al. (U.S. Pat. 6,934,635) in view of Kurasawa (U.S. pat. 4,950,706).

Temme et al. discloses a vehicle headlamp having ;

- **a front lens**, Figure 1, reference number 3;
- **the front lens having a base material**, column 2, lines 36-39;
- **the front lens also having an anti-static material coating on the base material**, Figure 1, reference number 4;
- **the anti-static material being a surface-active agent**, Figure 1;
- **a light source**, Figure 1, reference number 2;
- **a lamp body**, Figure 1, reference number 1;
- **the lamp body having a front opening**, Figure 1; and
- **the front opening being covered by the front lens**, Figure 1.

Temme et al. teaches all the limitations of the claims, except the anti-static agent being formed within the base material, the front lens having an initial surface resistance of $10^{13} \Omega/\text{cm}^2$ or less, or the anti-static agent being 2% wt of the base material of the front lens.

Kurasawa discloses a glass or plastic matrix having an antistatic agent formed within the base material, for providing such base material with an antifogging feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plastic matrix of Kurasawa as the material of the front lens of Temme et al. to obtain a front lens with increased anti-fog effectiveness, as stated in column 1, lines 18-35 of Kurasawa.

In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain a front lens initial surface resistance of $10^{13} \Omega/\text{cm}^2$ or lower, or making the antistatic agent 2% wt of the base material of the front lens, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2nd 272, 205 USPQ 215 (CCPA 1980). In this case, the use of anti-static coatings to increase conductivity of a base material to prevent the accumulation of contaminants due to static charging, is old and well known in the art (as evidenced by Temme et al.). Determining the optimal values of the required conductivity to prevent accumulation, and the amount of material needed to be added to the base material, was considered a result of due experimentation.

Even further, it is noted that while the specification, as filed, states that the claimed 2% wt is sufficient to obtain the necessary conductivity range, the conductivity range is a function of both the composition and nature of the anti-static agent, and the amount of agent used.

5. Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikawa et al. (U.S. pat. 6,435,702) in view of Kurasawa (U.S. pat. 4,950,706).

Aikawa et al. discloses a vehicle headlamp having:

- **a light source**, Figure 1, reference number 18;
- **a lamp body**, Figure 1, reference number 10;
- **the lamp body having a front opening**, inherent;
- **a front lens covering the front opening of the lamp body**,
Figure 1, reference number 12;
- **a main reflective surface**, Figure 1, reference number 16;
- **a extension reflector**, Figure 1, reference number 24;
- **the extension reflector being operable to reflect light from the light source**, inherent;
- **a front end portion of the extension reflector being disposed in proximity to the front lens**, column 3, lines 52-54;
- **the extension reflector being provided with a metal film**,
inherent; and
- **the extension reflector being formed separate from the main reflective surface**, Figure 1.

Aikawa et al. teaches all the limitations of the claims, except the front lens also having an anti-static material coating on the base material.

Kurasawa discloses a glass or plastic matrix having an antistatic agent formed within the base material, for providing such base material with an antifogging feature.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plastic matrix of Kurasawa as the material of the front lens of Aikawa et al. to obtain a front lens with increased anti-fog effectiveness, as stated in column 1, lines 18-35 of Kurosawa.

6. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikawa et al. (U.S. Pat. 6,435,702) in view of in view of Kurasawa (U.S. pat. 4,950,706).

The disclosures of Aikawa et al. and in view of Kurasawa teach individually, or suggest in combination, all of the features of the claimed invention, except the extension reflector being made integrally with the main reflective surface.

It would have been obvious to one of ordinary skill in the art t at the time the invention was made to have the extension reflector integrally made with the main reflective surface, since it has been held that forming in one piece an article which has previously been formed in a plurality of pieces and then put together, involve only routine skill in the art and it is devoid of an inventive step. See *Howard v. Detroit Stove Works*, 150 USPQ 164 (1863).

Relevant Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Dornite (U. S. Pat. 3,867,175), **Tu et al.** (U.S. Pat. 3,933,407), **Merrill et al.** (U.S. Pat. 3,935,367), **Alers** (U.S. Pat. 5,759,696) and **Yamamoto et al.** (U.S. Pat. 6,506,446) disclose devices having light modifiers coated with anti-static agents to prevent dust particles or moisture from accumulating and decreasing performance.

Response to Arguments

8. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



ALAN CARIASO
PRIMARY EXAMINER

Inr

April 28, 2003